

REMARKS

Claims 15, 18, 20, 22, 23, 25 are pending in this application. Claims 1 and 27 are the independent claims. Claims 15 and 25 are amended. Claim 20 is cancelled without any intent of prejudice to or disclaimer of the subject matter contained therein. Claims 16, 17, 19, 21, 16 and 27 are withdrawn. Claims 1-14, and 24 were previously cancelled. Reconsideration and allowance of the present application is respectfully requested.

Typographical Error

The Examiner's 35 USC 102 rejection using Garcia is in error, as the rejection incorrectly indicates that claims 16-17 are rejected when in fact these claims are withdrawn.

Rejections under 35 U.S.C. §112

Claim 15 stands rejected under 35 USC §112, second paragraph, as being indefinite. This rejection is respectfully traversed.

Applicant amends claim 15 to fix antecedent basis issues. Applicant therefore believes that claim 15 is definite. Therefore, Applicant respectfully requests that the rejections of these claims under 35 U.S.C. §112 be withdrawn.

Rejections under 35 U.S.C. §102 – Garcia

Claims 15-18 and 22-23 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,254,039 ("Garcia"). This rejection is respectfully traversed.

With regard to independent claim 15, Applicant asserts that Garcia does not disclose "wherein a profiled mat is arranged between the relatively hard substrate and the at least one layer of resilient and/or damping material and over which the resilient and/or damping material is spread" and "wherein the air chambers take the form of recesses in the lower part of the at least one layer of resilient and/or damping material defined by the profile of the mat, the profile mat being manufactured from biologically degradable material or from a material with a lower melting point than the resilient and/or damping material," as recited in claim 15. Specifically, Garcia does not disclose a "mat" (as recited in claim 15), at all, nor does the Examiner assert that Garcia discloses a "mat." For at least these reasons, Applicant asserts that Garcia does not teach all of the limitations of claim 15.

For at least the reasons stated above, Applicant asserts that claim 15 is patentable. Due at least to the dependence of claims 18 and 22-23 on claim 15, Applicant also asserts that these claims are patentable. Therefore, Applicant respectfully requests that this art ground of rejection of these claims under 35 U.S.C. §102 be withdrawn.

Rejections under 35 U.S.C. §102 – Magnuson

Claims 15 and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,460,867 (“Magnuson”). This rejection is respectfully traversed.

With regard to independent claim 15, Applicant asserts that Garcia does not disclose “wherein the air chambers take the form of recesses in the lower part of the at least one layer of resilient and/or damping material defined by the profile of the mat, the profile mat being manufactured from biologically degradable material or from a material with a lower melting point than the resilient and/or damping material,” as recited in claim 15. Specifically, Magnuson does not disclose air chambers “in the lower part of the at least one layer of resilient and/or damping material,” as recited in claim 15. Rather, the air chambers are formed in the asserted “hard substrate” 13 (specifically, the asserted “air chambers” are formed between the separation layer 12 and the embossed surface of the asserted “hard substrate” 13), as opposed to being formed in the asserted “at least one layer of resilient and/or damping material” 11. Therefore, Magnuson does not teach “wherein the air chambers take the form of recesses in the lower part of the at least one layer of resilient and/or damping material defined by the profile of the mat,” as recited in claim 15.

Applicant further asserts that the asserted “profile mat” 12 is made from rigid plastic sheeting, as described in column 2, lines 35-37. The “profile mat” 12 of Magnuson is therefore a permanent fixture of the playable surface, the rigidity of the “profile mat” 12 being used to affect the characteristics of the surface. Therefore, it cannot be said that Magnuson discloses “the profile mat being manufactured from

biologically degradable material or from a material with a lower melting point than the resilient and/or damping material," as recited in claim 15.

For at least the reasons stated above related to independent claim 15, Applicant asserts that this claim is patentable. Due at least to the dependence of claim 20 on claim 15, Applicant also asserts that this claim is patentable. Therefore, Applicant respectfully requests that this art ground of rejection of these claims under 35 U.S.C. §102 be withdrawn.

Rejections under 35 U.S.C. §103 – Magnuson in view of Friedrich

Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Magnuson in view of U.S. Patent No. 4,007,307 ("Friedrich"). This rejection is respectfully traversed.

With regard to independent base claim 15, Applicant asserts that Magnuson does not teach or suggest all of the limitations of claim 15, for at least the reasons argued above. Applicant asserts that a review of Friedrich indicates that Friedrich does not remedy the deficiencies of Magnuson, as argued above, nor does the Examiner rely on Friedrich for this purpose. Therefore, Applicant asserts that claim 15 is patentable over Magnuson in view of Friedrich. Due at least to the dependence of claim 25 on claim 15, Applicant also asserts that claim 25 is patentable. Therefore, Applicant respectfully requests that this art ground of rejection of these claims under 35 U.S.C. §103 be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicant respectfully submits that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Pursuant to 37 C.F.R. §1.17 and 1.136(a), Applicant hereby petitions for a three (3) month extension of time for filing a reply to the outstanding Office Action and submit the required \$555.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
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By



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